

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04 12364 JLT

ERIK SHEEHAN,
Plaintiff

v.

VERIZON COMMUNICATIONS, INC., LAURA
CARDINALE, LISA DAMASK, CAROLYN DRISCOLL,
PAUL McGOVERN, LINDA RICHELSON, DOREEN
TOBEN, and DOUG WILDER,
Defendants

PLAINTIFF'S OPPOSITION TO DEFENDANTS' PARTIAL MOTION TO DISMISS

Now comes the Plaintiff, Erik Sheehan, in the above-named action and hereby opposes the partial motion to dismiss his claims against the above-named Defendants. By opposing the Defendant's motion, Mr. Sheehan is not acknowledging the jurisdiction of this court. Mr. Sheehan appears specially here and opposes the motion only to support his motion to remand this action to the Massachusetts Superior Court and only if that motion to remand is denied, to answer the Defendants' request for dismissal of certain claims.

The Plaintiff respectfully requests that this Court deny the Defendants' Partial Motion to Dismiss because (1) Mr. Sheehan exhausted his remedies at the MCAD according to relevant case law and Mass. Gen. Laws ch. 151B; (2) Mr. Sheehan is entitled to compensation for the negligent supervision of Verizon Communications Inc.'s employees; (3) Mr. Sheehan has alleged facts sufficient to support a claim of sexual harassment as that term has been defined by statute and relevant case law; and (4) Mr. Sheehan's exhaustion of his administrative remedies moots the Defendants' argument concerning the aiding and abetting another to violate Mass.

Gen. Laws ch. 151B), and should this Court find a violation of the procedural requirements sufficient to dismiss the individual Defendants, the aiding and abetting claim would survive if Mr. Sheehan has alleged facts sufficient to find that the named, individual Defendants violated Mass. Gen. Laws ch. 151B regardless of his ability to collect an award from them.

In support of his opposition to the Defendants' Partial Motion to Dismiss, the Plaintiff relies on his Memorandum of Law in Opposition to the Defendants' Partial Motion to Dismiss filed together with this Opposition and incorporated herein.

RESPECTFULLY SUBMITTED,

ERIK SHEEHAN

by his attorney,

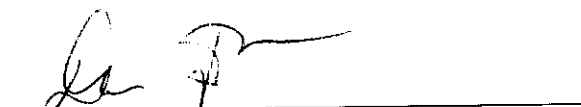


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DATED: November 29, 2004

CERTIFICATE OF SERVICE

I, Domenic Finelli, Attorney for the Plaintiff, hereby certify on this 29th day of November, 2004, I caused a copy of the foregoing document to be served via first-class mail, to Windy L. Rosebush, Esq., Edwards & Angell, LLP, 101 Federal Street, Boston, MA 02110.


Domenic Finelli, Attorney for the Plaintiff